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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,350	12/04/2003	Jeng-Shyong Wu	71230	8614
23872	7590	10/21/2004	EXAMINER	
MCGLEW & TUTTLE, PC 1 SCARBOROUGH STATION PLAZA SCARBOROUGH, NY 10510-0827			NGUYEN, CHAU N	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/728,350	Applicant(s) WU, JENG-SHYONG	
	Examiner Chau N Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-4-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species 3, Claims 9-48 in the reply filed on Sept. 7th 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on Dec. 4th 2003 is not being considered by the examiner because Patent No. does not match with the name of the Patentee.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9, line 3, "two bundle of electrical conductor" is grammatically incorrect.

Claim 9, line 4, "said electrical conductors" lacks antecedent basis.

Claim 9, line 6, "electrical conductors" is unclear to how these conductors relate to the electrical conductors recited earlier in the claim.

Claim 9, line 7, "which covered" is unclear to what is being covered.

Claim 9, line 8, "a wire cable of electrical conductor" is unclear to how this relates to "a wire cable of electrical conductor" recited earlier in the claim.

Claim 11, line 2 and Claim 12, line 2, "several slim electric wires" is unclear to how these wires relate to the slim wire recited in claim 9.

Claim 14, line 2, "several single wire cable" is grammatically incorrect and unclear to how these wire cables relate to the cable wire recited in claim 13.

Claim 15, line 2, "wire cable" is unclear to how this relates to "wire cable" already recited in claim 14.

Claim 16, lines 2-4, the recitation of "each bundle wire cable mutual and to be covered by insulator and once to press out to form altogether wire cable" is unclear and causes confusion.

The above are but a few specific examples of indefinite language used throughout the claims, and are only intended to illustrate the extensive revision

required to overcome the rejection under 35USC 112, second paragraph. The above mentioned corrections therefore, are in no way a complete and thorough listing of every indefinite language used throughout the claims. Problems mentioned above are also found in other claims. Please look through the rest of the claims and base on the above correction to amend the claims accordingly.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9, 10, 13, 17, 18, 21, 25, 26, 29, 33, 34, 37, 41, 42 and 45, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Bogner et al.

Bogner et al. discloses a wire cable (Figure 1) forming of multiple metals or alloys including single bundle wire cable or double wire cable, in which at least in two bundle of electrical conductor, one bundle of said electrical conductors composed of slim electric wire (11,12) made by two or more than two metals or alloys, another bundle of electrical conductors composed of slim electric wire (13)

made by multiple wires of single metal or alloy, which covered by insulator to form a wire cable of electrical conductor (re claims 9, 17, 25, 33, 41). Bogner et al. also discloses electrical conductor being composed of slim electric wire made by two metals or alloys, and one metal or alloy being contained within another metal or alloy (re claims 10, 18, 26, 34, 42), the wire bundles being single to be covered to form a cable wire (re claims 13, 21, 29, 37, 45).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11, 12, 19, 20, 27, 28, 35, 36, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogner et al.

Bogner et al. discloses the invention substantially as claimed, however Bogner et al. does not specifically disclose the slim wires being arranged in parallel or being wound to form a bundle. It would have been obvious to one skilled in the art that depending on the specific use of the resulting wire, to arrange the slim wires of Bogner et al. in parallel or to wind them together to form a bundle

since arranging strands or winding strands to form a wire bundle is well-known in the art.

9. Claims 14, 15, 22, 23, 30, 31, 38, 39, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogner et al. in view of Flick (6,498,300).

Bogner et al. discloses the invention substantially as claimed except for several single wire cables wound together to form a large wire cable. Flick discloses a cable comprising several wire cables wound together to form a large wire cable. It would have been obvious to one skilled in the art to wind several wire cables of Bogner et al. to form a large wire cable as taught by Flick to provide a multi-core cable for multiple transmission purposes.

10. Claims 16, 24, 32, 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogner et al. in view of Voser (4,449,012).

Bogner et al. discloses the invention substantially as claimed except for the wire cables with the insulator being formed altogether. Voser discloses a cable comprising wire cables with the insulator being formed altogether (Figures 1-6). It would have been obvious to one skilled in the art to apply the teaching of Voser in

the cable of Bogner et al. to provide a multi-core cable for multiple transmission purposes.

Cited Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trebby et al., Dubernet et al. and Koyama et al. disclose cables having wire bundles with different materials.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chau N Nguyen
Primary Examiner
Art Unit 2831